



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/549,911

09/20/2005

Robert J Briscoe

36-1938

4787

23117

7590

01/07/2009

NIXON & VANDERHYE, PC

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

HUSSAIN, IMAD

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,911

**Applicant(s)**

BRISCOE ET AL.

**Examiner**

IMAD HUSSAIN

**Art Unit**

2451

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 28 October 2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's submission dated 28 October 2008 has been received and made of record.
2. Claims 41 and 43 have been amended. Claims 46-56 have been cancelled.
3. Applicant's amendment of claims 41 and 43 obviates previously raised claim objections. As such, these objections are withdrawn.
4. Applicant's cancellation of claims 46-56 obviates previously raised 35 USC 101 rejection. As such, this rejection is withdrawn.
5. Claims 34-45 are currently pending in Application 10/549911.

***Response to Arguments***

6. Applicant's arguments filed 28 October 2008 have been fully considered but they are not persuasive.

Applicant argues that the identifiers described in Liao are not thread identifiers.

Examiner respectfully disagrees with Applicant's analysis of the prior art. Liao's channels/channel profiles correspond to the instant application's threads. Liao describes "distributing any object that can be referenced by a URL" (Liao: Page 23, second column, second bullet point). It is clear that the thread identifier is a URL which, as described in the previous office action, "comprises a first and a second sub-part."

Applicant argues that the combination of Liao and Zulch is “an illogical fusion” and that Zulch’s uniqueness analysis cannot be applied to Liao.

Examiner respectfully disagrees with Applicant’s analysis of the prior art. Both Liao and Zulch deal with the formatting of data. That they are not drawn to exactly the same specific application is irrelevant. Certainly the teaching of Zulch that only the changed/unique information need be considered is applicable in the system of Liao.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 34, 36, 37, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tie Liao (*Global Information Broadcast*, hereinafter Liao) in view of Richard C. Zulch (US 5150473, hereinafter Zulch).**

Regarding claim 34 and 45, Liao teaches *an announcement method for use in a publish-subscribe architecture* [Liao: Page 19 (4) Columns 1-2], *the method comprising:*

*compiling an index announcement message based on a plurality of thread identifiers respectively identifying a plurality of announcement threads* [Liao: Table 1], *wherein each of the plurality of thread identifiers comprises a first and a second sub-part* [Liao: Page 23 (8) Column 2, a “URL” has a path and a filename], *and transmitting*

*the compiled index announcement message onto an index channel [Liao: Page 22 (7) Column 2 Paragraph 1];*

Liao does not explicitly disclose that:

*if the second sub-part of any thread identifier to be included within the index announcement message does not match the second sub-part of any other thread identifier to be included within the index announcement message, then including only the second sub-part and not the first sub-part of the thread identifier in the compiled index announcement message, otherwise*

*if the second sub-part of any thread identifier to be included within the index announcement message does match the second sub-part of any other thread identifier to be included within the index announcement message, then including both the first and second sub-part in the compiled index announcement message.*

However, Zulch teaches:

*if the second sub-part of any thread identifier to be included within the index announcement message does not match the second sub-part of any other thread identifier to be included within the index announcement message, then including only the second sub-part and not the first sub-part of the thread identifier in the compiled index announcement message [Zulch: Column 4 Line 67-Column 5 Line 4 and Claim 1], otherwise*

*if the second sub-part of any thread identifier to be included within the index announcement message does match the second sub-part of any other thread identifier*

*to be included within the index announcement message, then including both the first and second sub-part in the compiled index announcement message* [Zulch: Column 4 Line 67-Column 5 Line 4 and Claim 1].

Liao and Zulch are analogous art in the same field of endeavor as both describe data storage and indexing methods. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the unique identifier partitioning scheme of Zulch for storing only the necessary parts of an identifier in the system of Liao. One of ordinary skill in the art would have been motivated to modify the system of Liao with the unique identifier partitioning scheme of Liao because in doing so, the system would allow for space savings [Zulch: Column 4 Lines 65-67].

Regarding claim 37, the combination of Liao and Zulch teaches that *the first sub-part of a thread identifier is a network address or other network locator* [Liao: Page 23 (8) Column 2].

Regarding claim 38, Liao-Zulch teaches that *the first sub-part is a Universal Resource Locator (URL)* [Liao: Page 23 (8) Column 2].

Regarding claim 39, Liao-Zulch teaches that *the first sub-part is an email address* [Liao: Page 23 (8) Column 2].

**9. Claims 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao and Zulch as applied to claims 34 and 46 above in view of Marion D. Skeen et al. (US 5557798, hereinafter Skeen).**

Regarding claim 35, the combination of Liao and Zulch does not explicitly disclose *means for requesting the allocation of a sequence identifier from an allocator;*  
*and means for receiving a message from the allocator containing the requested sequence identifier.*

However, Skeen teaches *requesting the allocation of a thread identifier from an allocator* [Skeen: Column 5 Lines 44-47];

*and receiving a message from the allocator containing the requested thread identifier* [Skeen: Column 5 Lines 44-47].

Liao-Zulch and Skeen are analogous art in the same field of endeavor as both describe publish-subscribe systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the sequence number scheme of Skeen for packet identification in the system of Liao-Zulch. One of ordinary skill in the art would have been motivated to modify the system of Liao-Zulch with the sequence number scheme of Skeen because in doing so, the system would allow for verification and uniqueness of messages [Skeen: Column 5 Lines 44-47].

Regarding claim 41, Liao-Zulch-Skeen teaches that *a second sub-part of a thread identifier is a number* [Skeen: Column 5 Lines 44-47, "sequence number"].

**10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao and Zulch as applied to claim 37 above in view of Jie Weng et al. (US 2003/0174155 A1, hereinafter Weng).**

Regarding claim 40, Liao-Zulch does not explicitly disclose that *the first sub-part is an Internet Protocol network address*.

However, Weng teaches that that *the first sub-part is an Internet Protocol network address* [Weng: Paragraph 0166].

Liao-Zulch and Weng are analogous art in the same field of endeavor as both describe publish-subscribe architectures. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the IP address scheme of Weng for using Internet Protocol addresses in the system of Liao-Zulch. One of ordinary skill in the art would have been motivated to modify the system of Liao-Zulch with the IP address scheme of Weng because in doing so, the system would allow for direct IP address, bypassing DNS conversions.

**11. Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, Zulch and Skeen as applied to claim 35 above in view of Marc Chomet (US 4645873, hereinafter Chomet).**



Regarding claim 42, Liao-Zulch-Skeen does not explicitly disclose that *the number is randomly generated*.

However, Chomet teaches that *the number is randomly generated* [Chomet: Column 3 Lines 12-17].

Liao-Zulch-Skeen and Chomet are analogous art in the same field of endeavor as both describe tokens in telecommunications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the random number scheme of Chomet for random numbers in the system of Liao-Zulch-Skeen. One of ordinary skill in the art would have been motivated to modify the system of Liao-Zulch-Skeen with the random number scheme of Chomet because in doing so, the system would allow uniqueness of identifiers.

Regarding claim 44, the combination of Liao-Zulch-Skeen and Chomet teaches that *for a given first sub-part, if the number generated for the second sub-part has previously been generated, then repeating the random generation* [Chomet: Column 3 Lines 12-17].

**12. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, Zulch, Skeen and Chomet as applied to claims 41 and 46 above in view of Lynn Henry Wheeler et al. (US 20030177361 A1).**

Regarding claim 43, Liao-Zulch-Skeen-Chomet does not explicitly disclose that *the number is produced by applying a hash function to data defining the subject matter of the thread identifier*.

However, Wheeler teaches that *the number is produced by applying a hash function to data defining the subject matter of the thread identifier* [Wheeler: paragraph 0010].

Liao-Zulch-Skeen-Chomet and Wheeler are analogous art in the same field of endeavor as both describe electronic messaging systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the hashing scheme of Wheeler for generating a hash from message subjects in the system of Liao-Zulch-Skeen-Chomet. One of ordinary skill in the art would have been motivated to modify the system of Liao-Zulch-Skeen-Chomet with the hashing scheme of Wheeler because in doing so, the system would allow for checking the validity of messages [Wheeler: Paragraph 0010].

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-3628. The examiner can normally be reached on Monday through Friday from 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/549,911  
Art Unit: 2451

Page 11

/IH/  
Imad Hussain  
Examiner, Art Unit 2451

/Salad Abdullahi/  
Primary Examiner, Art Unit 2457